

## WOULD NOT LET GOVERNOR NAME APPEALS JUDGES

W. F. Sheehan Asks Constitutional Makers to Lodge Power With Chief Judge.

## MANY COURT CHANGES IN 26 AMENDMENTS

ALBANY, April 27.—An attack by William F. Sheehan on the present constitutional provision which permits the Governor to appoint judges featured today's session of the Constitutional Convention, at which twenty-six proposed amendments to the organic law of the State were submitted for consideration.

Mr. Sheehan introduced a resolution providing for the removal of the power of appointing judges with the Chief Judge of the Court of Appeals instead of the Governor.

Mr. Sheehan declared that a Governor in making appointments might be influenced by political considerations. His proposal is to have a Court of Appeals of ten members, five elected by the people and five named by the Chief Judge of the Court of Appeals.

"This plan," said Mr. Sheehan, "makes the judiciary absolutely and wholly independent of executive power and influence. The effect of this amendment would be that the judges of whom I have spoken would owe their election primarily to the people and not to anything to the executive power. This is as it should be."

"The day will come when there will be no occasion for men holding judicial positions, or desiring to hold them, to go to the Executive Chamber hat in hand seeking executive favor. Under our present system the Governor, who generally is or tries to be a political leader, is away and often controlled by political considerations in naming judges."

**Bound to Be Swayed.**  
"Holding a political office it is natural that he should be influenced by political considerations in naming judges; that he should consult political leaders; whereas the Chief Judge of the Court of Appeals, who is not a political leader, will naturally seek advice from those whose first thought is the dignity, the effectiveness and the perpetuation of the judicial system."

Charles H. Beis of Lyons introduced a resolution proposing to abolish capital punishment. This is advocated by Warden Thomas Mott Osborne of Sing Sing and prison reform associations.

William M. K. O'Connell of New York proposed to abolish the Court of General Sessions in New York city, transferring cases now before that court to the Supreme Court.

Ex-Senator Edgar T. Brackett of Saratoga would give the Supreme Court jurisdiction over all claims against the State, thus doing away with the State Court of Claims. Another resolution by Mr. Brackett would give indicted prisoners an opportunity of inspecting the minutes of the Grand Jury.

E. Clarence Aiken of Oswego introduced six proposed amendments to the Constitution. By one he would permit a three-fourths vote of a jury to constitute the verdict. In another he would create a Court of Criminal Appeals to take appeals in criminal cases from the Supreme Court and Appellate Division. The new court would be composed of the Chief Judge of the Court of Appeals and four Justices of the Supreme Court.

**More Judicial Power.**  
Mr. Aiken would also have the rules of procedure and practice in the State Court, now made by the Legislature, made by Justices of the Court of Appeals and Justices of the Supreme Court in biennial sessions. Another of the Aiken resolutions would give to the Chief Judge of the Court of Appeals the power to nominate a set of candidates for the Court of Appeals and Supreme Court, these nominations to appear in a special column in the "Globe."

Herbert Parsons of New York introduced a resolution providing that the convention shall take no action on the women's suffrage question, as the Legislature has already provided for submitting that proposal to the voters.

John Godfrey Saxe would have the Constitution provide for the nomination of State officers by party State conventions consisting of at least one delegate from each Assembly district. This would do away with the direct primary system just adopted. Mr. Saxe would also have the Constitution provide for personal registration throughout the State.

Alfred G. Reeves introduced a resolution providing for the creation of a separate division of the Supreme Court in each county which now has a Surrogate's Court, thus doing away with the Surrogate's Court. Surrogates now officiate in probate cases in the Probate Division bench until the expiration of their terms.

John P. Donnelly of the Bronx in a resolution provided that the Legislature and the Governor shall have power to ask opinions of the Court of Appeals on important matters.

State building commissions are provided for in two resolutions, one by Mr. Aiken and the other by Mr. Young. Mr. Young proposes a commission to assist the Governor, who would have two votes, the Legislature and Governor, with one vote each. The Legislature could not have power to increase the budget, but could reduce it. The Governor would have no veto power on the budget.

The convention adjourned until 11 o'clock tomorrow.

**Customs Receipts Yesterday.**

The total receipts for duties at the Custom House yesterday were \$638,063.13, of which \$156,689.93 was for merchandise imported from bonded warehouses and \$481,373.20 for recent importations.

**SPECIAL NOTICES.**

**After the California Expositions—take a Little Sea Trip**

Here's the idea! Go out to California by way of Denver, Colorado Springs, Pike's Peak, the wonderful Royal Gorge and Salt Lake City—all this by daylight, and without extra charge, provided you travel on the Burlington Route (C. & N. Y. R. R.), which has through service from Chicago and St. Louis.

After that, "do" California and the Expositions, and then take one of those Magnificent new Great Northern Pacific Steamships the fastest on the Pacific, from San Francisco to Portland, Oregon. Then, homeward bound, stop at other Glacier National Park or Yellowstone Park, the world's most wonderful.

Now will you allow me to help you plan for such a trip? That's what I'm here for.

If you are planning to spend a sum that entitles you to see the best scenery in the world, to go to the best resorts, to see the best sights, to have the best food, to have the best service, to have the best time, to have the best of everything, I will plan a trip especially fitted to your needs, and I will also send you with printed descriptive matter as well as aid you to determine the best thing to do. Write, call or telephone. Let me help you.

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## INSULT, KUNO MEYER CALLS HARVARD POEM

Sends Letter to President Lowell Attacking "Got Mit Uns."

Prof. Kuno Meyer, who teaches Celtic languages in the University of Berlin, gave out a letter at the Hotel Knickerbocker last night addressed to President Lowell of Harvard University. In which he attacked the poem "Got Mit Uns," written by C. Huntington Jacobs and selected as Harvard's prize war poem, as a "gratuitous and shameless insult to the honor and fair fame of a friendly nation."

Following is a part of the poem:  
No doubt ye are the people. Wisdom's flame  
Springs from your cannon—yes, from yours alone.  
Yet still ye're who still in darkness  
Tis antichrist ye serve and not your God.

## TO PUSH DEFENCE PLANS.

National Security League Seeks Aid of Political Leaders.

At a meeting of the National Security League at 31 Pine street yesterday it was decided to write to every leader of each of the national political parties and to solicit their support individually and the support of the committees as a whole to the program of the league. It was announced that the league proposes to institute a national campaign on absolutely non-partisan lines on the issue of adequate preparedness.

The league created a peace committee on which it is proposed to invite representatives of the church on non-sectarian basis to serve with men distinguished as publicists whose services will tend to disarm those critics of the league who have made the accusation that the league was organized for the promotion of war.

The first business of the committee will be to consult with organizations working for universal peace or for disarmament.

## NEW A. B. C. ALLIANCE LIKELY.

Significance Seen in Brazilian Minister's Visit to Other Republics.

WASHINGTON, April 27.—The journey of Dr. Lauro Muller, Brazilian Minister for Foreign Affairs to Argentina, Chile and Uruguay, reported by cable to have been begun last night from Rio Janeiro, is regarded here as of great importance.

The belief prevails that Dr. Muller's visit marks the beginning of an effort to establish a policy of Pan-Americanism, which means in this case an arrangement among the South American republics to act together in all matters pertaining to South American affairs and possibly on the relations of those nations with non-American countries.

Commercially and industrially Latin America has been badly crippled by the European war. It is in the hope of producing better and closer business relations that this Government has called a conference of the Finance Ministers of South and Central America, which is to be begun in Washington on May 24.

It is the opinion of some diplomats that the conference will result in overtures to the United States to join with the principal South American countries in an agreement to act in concert in the adjustment of purely American affairs and possibly in a definition of the relationship toward the smaller republics on any outside source.

## FORMOSA IS DEMOTED.

Brooklyn Police Inspector Reduced to Captain by Woods.

Inspector Charles A. Formosa, who has been in charge of the Tenth inspection district in Brooklyn, has been demoted to the rank of Captain by Police Commissioner Woods and has been transferred to the Rockaway Beach police station. The Commissioner would give no reason for the action, but said it was for the good of the service.

Capt. Frank A. Tierney, who has been in charge of the Adams street police station in Brooklyn, has been placed in Formosa's district as acting inspector.

Capt. William A. Coleman has been transferred to the Adams street police station.

Capt. Dominick Henry has been transferred from the Grand avenue station, Brooklyn, to the Lenox avenue station, Manhattan.

## PROTESTS THAW JURY TEST.

Deputy Attorney-General Draws Up Prohibition Test Papers.

Deputy Attorney-General L. J. Obermeyer sent to Albany yesterday for approval of the Attorney-General papers upon which he will base an application for a writ of prohibition restraining Justice Hendrick of the Supreme Court from compelling a jury for the purpose of inquiring into the mental status of Harry K. Thaw.

Mr. Obermeyer contends that Justice Hendrick is without jurisdiction to call a jury for the determination of Thaw's sanity and that such determination must be made by the Justice himself without the aid of a jury.

When the papers are approved by the Attorney-General Mr. Obermeyer will present them to the Appellate Division of the Supreme Court for New York City.

## RECRUITS BEAT SERGEANT.

New Men in Field Artillery Resist Drill Methods.

William Hennessy, 23, of 227 West Sixty-seventh street, and George Foley, 25, of 206 West Sixty-seventh street, who were members of the Battery F of the First Field Artillery and were in the army last night to be drilled, did not like the way Sergeant Seuerhard spoke to them. After the drill, when Seuerhard was quitting the army by the Sixty-seventh street door the recruits asked him if he was the man who had drilled them. He said he was and Hennessy and Foley attacked him, knocking him down and blacking one of his eyes.

The shouts of the recruits brought help from the army and after a chase Hennessy and Foley were caught. They were taken to the armory, a policeman was sent for and they were locked up charged with assault.

## SAFFORD STICKS TO HIS OSBORNE STORY

Perjury Defence Is That It Really Was J. W. Who Visited Hotel With Rae.

## ATTACK MADE ON ALIBI

The defence of Franklin D. Safford, former clerk of the Kensington Hotel, Plainfield, N. J., to the charge that he committed perjury when he identified James W. Osborne as the man who registered at the hotel with Rae Tanager is that he did not commit perjury because he was right.

Safford was placed on trial before Judge Hough in the United States District Court yesterday and all the efforts of his counsel in cross-examining James W. Osborne, the only witness of the day, were directed to casting doubt or breaking down his alibi that on October 15 last, when Safford has sworn, he was at the Kensington Hotel with Rae Tanager, he was at the Bar Association, an associate, and Matthew A. Smith, then district Attorney of Queens county.

Benjamin Slade, brother of David and for several years a partner in the law firm of Slade, Smith & Co., who filed the suit for breach of promise for Rae Tanager, both of whom have been indicted for conspiracy for their actions in connection with that suit, cross-examined Mr. Osborne.

Another series of questions put to Mr. Osborne by Slade had to do with whether the witness had ever posed before a young woman as Count Hannibal and had presented to her a book, also whether he had sent letters and postcards signed "Count Hannibal" to her from Paris. James W. Osborne admitted he had written the inscription in the book, but other questions concerning this were ruled out on Mr. Osborne's plea to the judge that they had nothing to do with the issue in court.

Rae Tanager and her sisters, Rose and Dora, both of whom have been indicted for conspiracy for their connection with the case, were in the crowded court all day with Harold Spielberg, their lawyer. The fact that they have been subpoenaed for the defence gave rise to several rumors regarding the nature of the testimony they will give. Rose and Dora have never said that James W. Osborne was the man who called so frequently on the Tanager family.

After the jury had been selected Roger Wood, Assistant United States Attorney, who was flanked by United States Attorney Marshall and Assistant United States Attorney Samuel Hershenstein, read Safford's testimony before Commissioner Houghton at the first hearing. He read it in a low, steady voice, having used the same to defraud James W. Osborne. The essential point of the testimony is that Safford swore that he had seen Osborne in the room of the Kensington Hotel with Rae Tanager, O. Osborne and Mrs. O. Osborne. After the hotel registry card had been put in evidence, the witness was called to the stand. On direct examination he said he had never been at the Kensington Hotel and that on October 15, the date of the alleged crime, he had been at home during the morning and had spent the afternoon at the Bar Association.

Mr. Osborne said that never in his life had he posed as Oliver Osborne, nor had he ever used under any name other than his own.

"Did you ever pose as Count Hannibal?"

"No."

The trial will continue at 10:30 this morning.

## SEEKING INTER-MET PROXIES.

Committee of Stockholders Is Appointed—Urges Adoption of Plan.

A committee of holders of the common stock of the Interborough-Metropolitan company has been formed to secure proxies to be voted at the special meeting on June 1 on the scheme of reorganization of the company. The committee is composed of William V. Knickerbocker, president of the Columbia Trust Company; Harry Bronner of Hallikainen & Co.; Daniel E. Fomeny, vice-president of the Bankers' Trust Company; and Henry R. Winthrop of Harris, Winthrop & Co.

The committee recommends the approval of the plan, which urges upon the stockholders the consideration in its favor that the existing accumulations on the preferred stock and the danger of similar accumulations in the future would be avoided by the plan. Without such an arrangement, it is pointed out, there can be no early prospect for a dividend on the common stock.

The committee also recommends that the preferred stock holders for agreement to the plan, it is declared, lies in the increased rate of interest they would receive.

## UNCLE JOE SAILS FOR HAWAII.

Leads Party of 140 on Official Jaunt in the Islands.

SAN FRANCISCO, April 27.—Round for Honolulu for a pleasure trip of five weeks at the expense of the Hawaiian territorial government, the party of 140 persons, members of Congress and their families, who had been here for a day and a half, sailed today on the liner Sierra.

On the upper deck leaning over the rail the Representative Committee, headed by Miss Anna Morgan, Miss Gertrude Smith and Mrs. Wendell Baker, to raise money for the unemployed of the city, Chutes made of twelve inch lead pipes

## FIRST "CHUTE" HERE.

Plan to Raise \$100,000 for Benefit of Unemployed.

Today is "chute day" in New York, as tomorrow and Friday will be as well. The name is derived from the method taken by the New York Relief and Unemployment Committee, headed by Miss Anna Morgan, Miss Gertrude Smith and Mrs. Wendell Baker, to raise money for the unemployed of the city. Chutes made of twelve inch lead pipes

will be erected at eleven busy spots in Manhattan.

The chutes will be located at 11th street and Broadway, on the grounds of Columbia College, Fifty-ninth street and Columbus Circle, Forty-second street and Broadway, 1 West Forty-second street, in front of the Manhattan Hotel, in the entrance of the Pennsylvania Railroad Station, at the Hudson Terminal, Franklin and Nassau streets, Wall street and Broadway, 45 Broadway and at the offices of the Vacation Fund, at 38 West Thirty-ninth street.

It is hoped to raise \$100,000 in the three days.

## Evangelist Speaks Sharply

When He Learns of \$5,000 Deficit.

PATERSON, N. J., April 27.—Billy Sunday, New York, in fact everybody connected with the campaign was blue. And the reason is that the campaign fund is \$5,000 short. The Paterson and North Jersey Evangelical Association, which brought the evangelist to the city for his seven week revival, discovered the calamity when the finance and executive committees met today to consider the bills for building and maintaining the Tabernacle and other expenses.

It was originally estimated that the expenses would be \$2,000. Last Sunday Billy announced from the altar that there would be no more collections except two for charity and the final one, which the evangelist takes as pay for his work. Tonight the shortage was made public and Billy, in deep disgust, commented on it from the platform, saying: "It seems that every time a church wants anything they ask us good and plenty. This Tabernacle has cost nearly as much to build and maintain as the Philadelphia one did, and that was twice as big. None of the money goes to me. In fact, I'm paying half the salaries of the attendants and assistants, which costs me \$1,500. You people must do your share. You called me here. Throw it in when the ushers come around."

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Appointments for examinations should be made in advance  
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## MAYOR ACCUSES STATE OF SPENDING CASH BLINDLY

Asserts That Lawmakers Do Not Know Amount of Appropriations Made at Last Minute—Ridicules Scene in Legislature When Bill Was Passed.

Still convinced that the \$19,000,000 direct State tax is unnecessary, Mayor Mitchell replied at length yesterday to the attempt of six Republican Senators of this city to justify the appropriations made by the Legislature. First, however, he called attention to "a situation which typifies the attitude of the present Legislature toward this city and the State in the matter of taxation."

"To discuss the appropriation bills in their final form accurately, and intelligently," said he, "I should have a copy of these bills before me. But there is no such copy. I have no copy of the bills that passed the Legislature."

"Senator Mills and the other Senators have none. The members of the Assembly have none. We all have preliminary drafts of these appropriations bills, but we do not have and cannot have copies of the bills actually passed by the Legislature."

"We will not know what has actually been appropriated until the State printer prints copies of the bills that passed the Assembly Saturday night. And what is more, the Senators and Assemblymen who voted these appropriations upon the State will not know what they voted for until the State printer informs them."

## READS DESCRIPTION OF SCENE.

"Let me quote a newspaper account of how the Assembly voted millions of dollars out of the pockets of the taxpayers of the State."

"Democratic Leader Smith," according to this account of the proceeding, said he hadn't the least idea of what the bills contained. He stepped to the desk and asked an opportunity to examine the bills. The clerk handed him the supply and appropriation measures. They were in such shape that Smith had to carry them in both arms. They actually looked like a bundle of waste paper. Amendments had been pasted and pinned on them, some of the new matter protruding from the pages of the bills, giving them a generous fringe."

"I am informed by those present that the foregoing is an accurate account of what took place."

"These mutilated and mutilated bills were jammed through the Senate and the Assembly on an emergency message from the Governor, certifying to the necessity of their immediate passage. And only the chosen few were called into conference by the legislative leaders, who knew what new burdens had been pinned and pasted upon the bills of the State."

"This proceeding, favoring little of representative government, makes intelligent discussion of actual appropriations impossible. It has been announced, however, that the total of the supply and appropriation bills is greater than in the preliminary drafts."

"This being so, I now repeat my general conclusion, that a direct tax is unnecessary and that these appropriations are too large."

"Let me say I have learned nothing that would change my original statement that a sum of money running into the millions has been appropriated through hasty and ill considered provision for increases in salaries and new positions."

"I have seen no disposition to meet my criticism of the appropriation for millions of dollars for canal construction out of current revenues. There has been no attempt to avoid a direct tax by making canal appropriations dependent upon a referendum at the next election, as I suggested. There has been no attempt to amend the contrary measures of the \$6,000,000 appropriation for highway maintenance."

"In short there has been no attempt on the part of the present Legislature to avoid a direct tax which will bring very real distress to the citizens of this city and impose unnecessary hardships upon the taxpayers of the entire State."

## VETOES BUILDING BILL.

Mayor Thinks New Inspection Would Cost \$300,000.

Mayor Mitchell vetoed the Lockwood-Elmhurst building inspection bill yesterday. Besides its other defects, he said, it was so loosely drawn "that there is a lawsuit in nearly every line of it." He said that he realized keenly the burdens now laid upon real estate and had been always ready to agree to any workable plan that would have afforded relief "without destroying the safeguards which the law now throws around the conditions under which the people of the city live and work."

"But," he added, "the bill does none of the things its proponents claim. It does not simplify the building inspection service of the city. It complicates it. It does not reduce the number of inspections of buildings made by city departments. It greatly increases it. It does not eliminate conflict between the city departments, but makes new conflict where none there is now."

"It does not save money to the taxpayers by reducing the number of city employees, but on the contrary would increase the cost of government by over \$300,000 a year because of the greatly increased staff of employees made necessary by this measure."

"If for no other reason, he said, he would veto the bill because "it destroys the efficiency of the Tenement House Department," the only agency that has stood in the past between the unscrupulous among the builders and landlords and the welfare of over 3,000,000 people."

He declined to discuss the State tax, but asserted that along this line with "the State owes money. It must be paid. Why put off the evil day?"

It is indicated that the governor has no thought of vetoing the tax bill or of calling an extra session of the Legislature, which he deems unnecessary. When he has disposed of the thirty day bills he will go to California. Mrs. Whitman will probably accompany him. He spoke briefly before the City Club last night and made no reference to political or legislative affairs.

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## MAY NEED COWL INQUEST TO SAVE FIANCEE'S REASON

Continued from First Page.

at the instant his fiancée pulled the second time.

Both Mr. and Mrs. Wheeler had told friends recently that Cowl's health was improving wonderfully and that they expected that the marriage would take place in the fall. He and his fiancée were of the same age, 22 years.

Clarkson Cowl and Mrs. Cowl, parents of the young man were notified early this morning by telephone and came to Stratford at once. They obtained a permit for the removal of the body from Dr. Garlick this morning and took it home to Great Neck.

The Hearn store in West Fourteenth street closed yesterday and will not open until Friday because of the death of Arthur Hearn Cowl. The following statement was given out late in the afternoon:

"Arthur Hearn Cowl is dead. He was ill with nervous prostration and in a fit of despondency shot himself."

The nervous breakdown of the young man is said to have been due to his zealous efforts to succeed in the department store. It was generally understood that both Arthur and Donald Cowl, his brother, were to be made members of the firm next year. He left Princeton in 1912, to prepare himself for the responsibility.

At the Cowl residence in Great Neck, L. I., Donald Cowl said that the family did not care to discuss the tragedy. The funeral will be held on Thursday, probably from All Saints' Church at Great Neck, where the Rev. Kirkland Huske, the rector, will officiate.

## EXTRAVAGANCE? NO! WHITMAN DECLARES

Refuses to Discuss State Tax—Has Conference With Hayward Here.

Gov. Whitman arrived in New York by the Albany boat yesterday morning with a bag containing some of the 400 bills upon which he must act within thirty days. He went to the St. Regis and spent several hours studying the bills before going to a dinner at the Union Club, Brooklyn, last night. William Hayward called on him at 6 o'clock. Neither of them would talk about the Public Service Commission when the conference ended.

When he was asked if he thought the Legislature had been extravagant, the Governor replied:

"I do not believe it has been. I believe Senator Sage and his conferees have done all the pruning possible. However, the appropriation bills are before me, and I am going to study them closely."

He declined to discuss the State tax, but asserted that along this line with "the State owes money. It must be paid. Why put off the evil day?"

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## MAYOR GOING BEAR HUNTING.

Will Also Visit California Expositions With Wife.

Mayor Mitchell will depart on a five weeks' Western trip on Sunday morning. In his absence George McAnany will be acting Mayor, and Vice-Chairman of the Board of Aldermen, Frank J. Murphy will preside over the Aldermanic Council.

The Mayor will be accompanied by Mrs. Mitchell, Donn Barber, architect, and C. Anderson, president of the Hunters' Prateries. They will go to Mr. Anderson's ranch near Cody, Wyo., for ten days of hunting, and the Mayor hopes to bring home a bearskin. From there the party will go to California and visit the expositions at San Francisco and San Diego.

## HISSES FOR SIEGEL'S OFFER OF \$150,000

Bank Depositors in Stormy Meeting Decide to Demand Bigger Sum.

Hisses and catcalls attended the reading last